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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,520	11/28/2003	Takashi Noguchi	2003-1693A	7575

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WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER

HUYNH, ANDY

ART UNIT	PAPER NUMBER
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2818

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/722,520	Applicant(s) NOGUCHI, TAKASHI	
	Examiner Andy Huynh	Art Unit 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-14 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/29/05</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In the Amendment filed 03/29/2005, the specification, claims **1-3, 5-8 and 10-13** are amended, and claim **15** is canceled is acknowledged. Accordingly, claims **1-14** are currently pending in the application.

#### ***Response to Arguments***

Applicant's arguments with respect to claim **1** have been considered but are moot in view of the new ground(s) of rejection.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in JAPAN on 11/28/2002. It is noted, however, that applicant has not filed a certified copy of the 345641/2002 application as required by 35 U.S.C. 119(b).

#### ***Information Disclosure Statement***

This office acknowledges receipt of the following items from the applicant: Information Disclosure Statement (IDS) filed on 03/29/2005 and made of record as Paper No. 03/29/05. The references cited on the PTOL 1449 form have been considered.

*Claim Rejections - 35 U.S.C. § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hakamata Kazuo (JP 10-242442 dated 09/11/1998).

Hakamata Kazuo discloses in Figs. 1-2 and the corresponding English translation texts as set forth in paragraphs [0023]-[0039], a semiconductor device comprises:

a semiconductor chip/an image pickup device 10 having a main surface provided with an integrated circuit including a photoelectric converter/an image pickup region 11;

a plurality of electrodes/bumps 60 formed in a vicinity of a periphery of the integrated circuit;

a sealing resin 70 for sealing the main surface of the semiconductor chip and at least a first side surface of each of the electrodes, the sealing resin formed so as to have an opening over the a surface of the integrated circuit; and

a light-transmitting cap/a transparent hard substrate 50 disposed so as to cover the opening of the sealing resin.

Claim 1 is also rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa et al. (JP 08-065579 dated 03/08/1996).

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Hasegawa et al. disclose in Fig. 3 and the corresponding English translation texts as set forth in paragraphs [0015]-[0026], a semiconductor device/a solid state image pickup device comprises:

- a semiconductor chip/a CCD chip 42 having a main surface provided with an integrated circuit including a photoelectric converter 43;

- a plurality of electrodes/bumps 46 formed in a vicinity of a periphery of the integrated circuit;

- a sealing resin 52 for sealing the main surface of the semiconductor chip/the CCD chip and at least a first side surface of each of the electrodes/the bumps, the sealing resin formed so as to have an opening/an air layer 50 over the a surface of the integrated circuit; and

- a light-transmitting cap/a cover glass 49 disposed so as to cover the opening of the sealing resin.

#### *Allowable Subject Matter*

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-14 are allowed.

*Conclusion*

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the day of this letter. Failure to respond within the period for response will cause the application to become abandoned (see M.P.E.P 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Huynh, (571) 272-1781. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The Fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the -status of this application or proceeding should be directed to the receptionist whose phone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ah

05/02/05



Andy Huynh

Patent Examiner